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SINGLE BENCH

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3575/2005

PETITIONER

Sriniwas Verma

S/o Late B.P. Verma

Aged about 34 years,

Working as Head Constable-786

D.C.R.B, Jagdalpur,

Dist- Baster (C.G)

3670/05
Presented by Sri. H.S. Ahir
dated 30/7/05

Versus

RESPONDENTS

1. **State of Chhattisgarh**
Through Secretary,
Department Of Home (Police)
Mantralaya D.K.S. Bhawan,
Raipur (C.G)
2. Director General of Police
Police HQ, Raipur (C.G)
3. Deputy Inspector General of Police
(Adminstration), Police HQ
Raipur (C.G)
4. Inspector General of Police
Baster Range
Jagdalpur (C.G)
5. Superintendent of Police
Jagdalpur, Baster (C.G)



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30-7-05
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF
INDIA FOR ISSUANCE OF A SUITABLE WRIT ORDER OF DIRECTION TO
DO JUSTICE IN THE MATTER.

आदेश पत्रक

मामला क्रमांक W.P.No. 3575 सन् 2005

..... विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>10.8.2005</u> Shri H.S. Ahluwalia, learned counsel for the petitioner. Shri Pankaj Shrivastava, learned Panel Lawyer for the State/ respondents on advance copy. <u>I.A.No.6736/2005</u> This is an application for urgent hearing. The matter is taken up on Board. This interim application stands disposed of. <u>W.P.No.3575/2005</u> Heard Shri H.S. Ahluwalia, learned counsel for the petitioner and Shri Pankaj Shrivastava, learned P.L. who appears for the State/ respondents on advance copy. Learned counsel for the petitioner submits that the petitioner is a Head Constable in the Police Department. He met with an accident in the year 1996. After his recovery, his health condition was not good, therefore, he requested the department for giving him some job in which physical exercises would not involve. Looking to the health condition, he was given the job of Court Moharir vide order dt.23.9.1996 (Annexure P-2) and he was exempted from parade. Thereafter, the petitioner was transferred from reserved line to D.C.R.B, Jagdalpur which according to learned counsel for the petitioner is also a post in which no physical exercise is involved. Learned counsel for the petitioner submits that now, all of a sudden, the Superintendent of Police, Jagdalpur (Bastar) has issued the impugned order dated 27.7.2005 (Annexure P-1) by which the petitioner has been transferred from DCRB, Jagdalpur to Police Station Dhanora. Learned counsel submits that the health condition of the petitioner is still not good and he is not in a position to undertake parade and able to do any hard	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	physical work. He further submits that if the petitioner is transferred to any Police Station he shall have to appear in the parades and shall also be given the physical work, which the petitioner may not sustain at the present stage. He prays for quashing of the order on these grounds. Learned counsel for the petitioner submits that showing all these difficulties the petitioner has filed representation before the Superintendent of Police on 27.7.2005, but no action has been taken on the said representation. On the other hand learned counsel for the State submits that the accident took place in the year 1996 and the petitioner has not filed any documents to show the present health condition, therefore, it would not be just and proper to pass any order at this stage. In the present facts and circumstances, in the opinion of this court, a conditional order may be passed in favour of the petitioner. First of all, I direct the Superintendent of Police, Jagdalpur to decide the representation (Annexure P-10) filed by the petitioner, as early as possible preferably within 30 days from the date of filing of the certified copy of this order before him. I also direct that before deciding the representation, the Superintendent of Police, shall refer the petitioner to the Medical Board of the District and the opinion shall be sought from the Medical Board as to whether the petitioner is fit to appear in parades and undertake any physical exercises. If the medical Board opines that the petitioner is fit to do those works then he shall have to obey the order of transfer passed vide Annexure P-1. If the Medical Board gives some other opinion in favour of the petitioner regarding his health conditions, then the Superintendent of Police shall take these	

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Rao	facts into consideration and shall do the needful on the representation of the petitioner. For the time being, if the petitioner has not been relieved so far, he shall not be relieved for a period of 6 weeks from today. In the mean while, above exercise shall be undertaken by the State authorities. Certified copy of this order shall be produced before the Superintendent of Police along-with an application positively within a period of 10 days from today. C.C. be supplied by tomorrow. With the aforesaid observations, this petition finally stands disposed of. Consequently, M.W.P.3007/05 also stands disposed of.	Sd/- Sunil Kumar Sinha Judge

(पीछे देखिये)

11.8.05
17.9.05